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8 UNITED STATES DISTRICT COURT  
9 CENTRAL DISTRICT OF CALIFORNIA

10 MAGNOLIA TERRACE APARTMENTS, ) Case No. CV 15-5706-GW(PJWx)  
11 )  
12 Plaintiff, ) ~~XXXXXX~~ ORDER SUMMARILY REMANDING  
13 v. ) IMPROPERLY REMOVED ACTION TO LOS  
14 LAVERNE DUBOIS RANDOLPH, ) ANGELES COUNTY SUPERIOR COURT  
15 Defendant. )  
16 )

17 Before the Court is an unlawful detainer action that Defendant  
18 Laverne Dubois Randolph removed from the Los Angeles County Superior  
19 Court. For the following reasons, the case is summarily remanded back  
20 to that court.

21 On July 6, 2015, Plaintiff Magnolia Terrace Apartments filed an  
22 unlawful detainer action in the Los Angeles County Superior Court in  
23 Norwalk, claiming that Defendant Randolph owed \$865 in past-due rent.  
24 On July 28, 2015, Defendant removed the action to this court, arguing  
25 that there was federal question jurisdiction because the resolution of  
26 the action turns on questions of federal law.

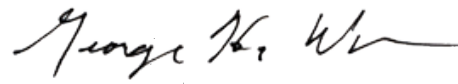
27 Generally speaking, federal district courts lack subject matter  
28 jurisdiction over unlawful detainer actions like this one because they

1 are grounded in state, not federal, law and do not become federal  
2 cases when a defendant raises a federal question as an affirmative  
3 defense or counterclaim. See *Vaden v. Discover Bank*, 556 U.S. 49, 60  
4 (2009) ("Federal jurisdiction cannot be predicated on an actual or  
5 anticipated defense. . .[or] rest upon an actual or anticipated  
6 counterclaim.") (internal citations omitted). Further, it is clear  
7 from the face of the Complaint that there is no diversity jurisdiction  
8 under 28 U.S.C. § 1332 because, even if Defendant could establish  
9 diversity, the amount in controversy is less than \$10,000. As a  
10 result, Defendant's removal of the action was improper and the case  
11 will be remanded to the Superior Court for further proceedings. See  
12 28 U.S.C. § 1441(a); see also *Gaus v. Miles, Inc.*, 980 F.2d 564, 567  
13 (9th Cir. 1992).


14 Accordingly, IT IS ORDERED that (1) pursuant to 28 U.S.C.  
15 § 1447(c), this case is REMANDED to the Norwalk Superior Court, 12720  
16 Norwalk Blvd., Norwalk, CA 90650; (2) the clerk shall send a certified  
17 copy of this Order to the state court; and (3) the clerk shall serve  
18 copies of the Order on the parties.

19 IT IS SO ORDERED.

20 DATED: August 4, 2015

21   
22 GEORGE H. WU  
23 UNITED STATES DISTRICT JUDGE

24 Presented by:

25   
26 PATRICK J. WALSH  
27 UNITED STATES MAGISTRATE JUDGE

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